

Minutes of the Selectboard Meeting of Wednesday, October 25, 2017 at 6:30 pm

Members present: Mary Layton, Chair; Linda Cook; John Langhus; Herb Durfee, Town Manager; Miranda Bergmeier, Assistant to the Town Manager. Members absent: Stephen Flanders; John Pepper

There were about 10 people in the audience.

Also participating: Stuart Richards, Cheryl Lindberg, Marcia Calloway, Nancy Muller, Andrew Davis, and Louis Hodgett.

Layton opened the meeting at 6:30 pm.

1. Approval of Agenda (Action Item). Selectboard agreed to move agenda items 6, 8, 9, and 10 to a point later in the meeting, to facilitate public participation regarding agenda items.
2. Public Comments (Discussion Item). Stuart Richards asked about the process for the town hiring a consultant regarding the repair of July 1<sup>st</sup> storm-damaged roads. The Selectboard agreed to include this issue in their next meeting's agenda. Cheryl Lindberg said that the new bulletin board and bench on Main Street look great.
3. Family Place Alcohol Policy Waiver Request (Discussion/Action Item). Nancy Muller, on behalf of The Family Place, said that The Family Place's annual Gingerbread Festival fundraiser is being held in Tracy Hall the first weekend in December. On Friday night, they will have an event at which they would like to serve beer and wine, so The Family Place is asking for a temporary waiver of the Town alcohol ordinance. After brief discussion, Cook **moved** (2<sup>nd</sup> Langhus) to approve The Family Place's request for a waiver of the ordinance regulating the possession and consumption of alcohol, to permit the provision of beer and wine at the Gingerbread Festival event in Tracy Hall on December 1, 2017. **Motion passed 3 – 0 (Flanders and Pepper absent).**
4. Banking Services RFP (Discussion/Action Item). Cheryl Lindberg, Town Treasurer, said that five banks had received the RFP package, and three of them had submitted proposals. The Town had advertised the RFP, as well. The banks submitting proposals were Community Bank, Mascoma Bank, and Northfield Savings Bank. Lindberg referred the Selectboard to the information she submitted that was included in the meeting packet. Lindberg said that she recommends that the Town select Option #1 from Mascoma Bank, which includes a business NOW account with a 1% interest rate for one year. After some discussion, Cook **moved** (2<sup>nd</sup> Langhus) to authorize the Selectboard Chair and the Town Treasurer to execute an agreement with Mascoma Bank to provide banking services for the Town of Norwich, according to the terms offered by Mascoma and including Option #1. **Motion passed 3 – 0 (Flanders and Pepper absent).**
5. Board to Sign Accounts Payable/Warrants (Discussion/Action Item). Cook asked to divide the motion, setting aside the expenditure of \$48,250.00 for the Highway Equipment Fund, because Cook questions the process to purchase the truck being funded by that expenditure. Herb Durfee (Town Manager) reported that the truck purchase was put out to bid. After brief discussion, the Selectboard agreed to ask Durfee to gather more information about the truck purchase. Langhus **moved** (2<sup>nd</sup> Cook) to approve Check Warrant Report #18-10 for Tracy Hall

Fund in the amount of \$2,700.00; for Highway Garage Fund in the amount of \$12,824.11; for Public Safety Facility Fund in the amount of \$7,563.85; and for General Fund in the amount of \$1,128,907.96. **Motion passed 3 – 0 (Flanders and Pepper absent).**

7. Verizon Wireless Small Cell Utility Pole (Discussion/Action Item). Andrew Davis and Louis Hodgett addressed the board on behalf of Verizon Wireless. Davis and Hodgett explained that Verizon is looking for an easement from the Town to install a small cell on the utility pole near the town green. The proposed installation would involve three pieces on the utility pole, and would extend cell coverage to a two- to three-block radius around the Norwich Green, allowing more service to users. The proposed installation would be approximately four feet taller than the existing pole. Langhus asked about payment to the town in consideration for the easement. Davis and Hodgett said that a minimal payment might be possible. Durfee asked if the proposed installation would allow for other carriers to add their equipment to the utility pole. Davis and Hodgett said that possibly yes, but that is not proposed at this time. Davis and Hodgett presented to the Selectboard copies of a proposed easement (the easement will be included in the Selectboard's next meeting packet), and the Selectboard agreed to further consider the easement request at their next meeting on November 8, 2017.

6. Open Meeting Law (Discussion Item). Langhus opened discussion on this item by suggesting that the Selectboard approach the topic as three issues: 1) specific event(s) of alleged violation of the Open Meeting Law; 2) a broader issue of what the Selectboard believes is required under the law; and 3) a discussion about the tone in which the business of the Town is transacted. Layton agreed that tone is very important and some understanding should be extended by people when they are unhappy with events or actions that have occurred. Langhus said that the Selectboard should look back at their guiding principles, saying that we can only control our own actions and tone. Cook mentioned Jim Condos's Transparency Tour that is happening in various places around Vermont, as has been posted on the Norwich listserv. Stuart Richards said that two laws are very important: the Open Meeting law and the Right To Know law, and it is very important that these laws be followed. Richards said that there was a violation of the Open Meeting law when the minutes of the Affordable Housing Committee were not posted within five days after their meeting. Specific events related to curing the situation were taken. Richards indicated that he felt the remedy properly cured the deficiency. Langhus **moved** (2<sup>nd</sup> Cook) to find that a discussion of personnel under VSA §313(a)(4) would be prejudicial to the employee if the discussion were held in public session. **Motion passed 3 – 0 (Flanders and Pepper absent).** Langhus then **moved** (2<sup>nd</sup> Cook) to enter into executive session in order to discuss a potential personnel disciplinary matter under 1 VSA §313(a)(4). **Motion passed 3 – 0 (Flanders and Pepper absent).**

8:02 pm – Selectboard entered executive session.

Langhus **moved** (2<sup>nd</sup> Cook) to reenter public session and note that in executive session the Selectboard invited the Town Manager to join executive session. **Motion passed 3 – 0 (Flanders and Pepper absent).**

8:24 pm – Selectboard reentered public session.

8. VOSHA Update & Workplace Safety (Discussion/Action Item). Durfee reported that the VOSHA inspector who investigated the trench collapse incident told Durfee today that VOSHA will issue three violations: 1) lack of proper traffic package; 2) lack of "competent" person to

discuss safety prior to starting work; 3) lack of protective device, such as a trench box. None of the violations were deemed “willful” by VOSHA. Some violations were combined to consolidate, and the fine amounts have not yet been determined. Langhus asked if current workplace safety policies are sufficient. Durfee talked about plans for employee training and safety inspections and remediation, as necessary. Langhus asked if the contractor will reimburse the Town for any fine amount. Durfee said that he will look into that.

11. Town Plan Process (Discussion/Action Item). Cook said that that the Selectboard needs to know the Town Plan approval process in advance of receiving the plan from the Planning Commission. Cook wants to be sure that future Town Plans are not late, like this one is. Durfee said that the Planning Commission is trying to get the Plan to the Selectboard as soon as possible. Marcia Calloway read aloud from documents she handed to Selectboard members at the meeting (these documents will be included in the Selectboard’s next meeting packet). Calloway said that the Town Plan process is supposed to involve the public, and that has not been adequately done. Stuart Richards said that he wants another survey to be sent to Town residents soliciting input about the Town Plan, similar to the survey conducted in 2005. Langhus and Cook expressed interest in putting together and conducting such a survey. Calloway said that she hopes the Selectboard won’t consider a new survey to substitute for “due process” deficiencies.

9. Status of Storm-Damaged Road Bids (Discussion/Action Item). Work on the roads began today, starting with Turnpike being the first road worked on, and other roads completed by mid-January. Stuart Richards asked about Pathways Consulting’s work on the road repair project, and expressed concern about the bid and hiring process.

10. Personnel Policies (Discussion/Action Item). The Selectboard agreed to defer this item to a future meeting.

12. Town Manager Report (Discussion Item). Durfee reported that the streambed debris clearing/cataloguing project will commence after Thanksgiving; new pictures of the Public Safety Building and the Dept. of Public Works garage have been posted in the multipurpose room in Tracy Hall; Firehouse Lane and Grange repair issues continue to be worked on; the alarm panel in Tracy Hall had problems this past weekend and Durfee is looking at the process for providing access to locked doors in emergency situations. Durfee also reported that the railroad crossing on Kendall Station Road was discussed during this week’s Vermont Transportation Board public hearing; the school bus stop there will be discontinued as of 10/26/17. All Town employees have received information about Invest EAP to be sure that employees are aware of services available to them for various types of assistance.

13. Correspondence (Discussion/Action Item). Langhus **moved** (2<sup>nd</sup> Cook) to receive correspondence from Stuart Richards regarding Open Meeting Law; from Nancy Cressman regarding Union Village Road; and from Claudette Brochu regarding Fire District sidewalks. **Motion passed 3 – 0 (Flanders and Pepper absent).**

14. a. Approval of the minutes of the 10/11/2017 & 10/19/2017 Selectboard meetings (Action Item). Langhus **moved** (2<sup>nd</sup> Cook) to approve the minutes of the October 11, 2017 and October 19, 2017 Selectboard meetings. **Motion passed 3 – 0 (Flanders and Pepper absent).**

b. Review of Next Agendas. The Selectboard agreed on the following items for the

November 8, 2017 meeting agenda:

11/8/2017    Selectboard Rules of Conduct  
                 Financial Policies – (including Pathways Contract)  
                 Verizon Easement  
                 Town Plan Survey  
                 FYE 2019 Budget  
                 Personnel Policies

At 9:31 pm, Cook **moved** (2<sup>nd</sup> Langhus) to adjourn. **Motion passed 3 – 0 (Flanders and Pepper absent).**

Meeting adjourned at 9:31 pm.

by Miranda Bergmeier, Assistant to the Town Manager

Approved by the Selectboard on November 8, 2017.

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Mary Layton, Selectboard Chair

Next Meeting –November 8, 2017 at 6:30 PM

PLEASE NOTE THAT CATV RECORDS ALL REGULAR MEETINGS OF THE NORWICH SELECTBOARD.